

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 17th day of May, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Karen Mayer, Council Member
Vickie Abrego, Council Member
Phillip Hyatt, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Allen Lawrence, City Attorney
Yvonne Stonebraker, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Rickie Kilgore, Fire Chief
Earl Buckmaster Harbor Master

OTHERS PRESENT: Lu & Ralph Arcemont, Jim & Alpha Covington, Marilyn Rimer/Herald, Donald & Jeanie Brummett, Capt. T. E. Doran, Jeanne Hunter, Jim Rummage, Judith Vlasek, Steve Knight/Tri-County E.M.S., Cecil Robles, Michael Cary, Dave Sullivan and David Underbrink/Naismith Engineering, Ellie Block, Ed Block, Mark McLiney and Ryan Cunningham/Southwest Securities.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on May 17, 2010.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

14. **PROCLAMATION RECOGNIZING NATIONAL SAFE BOATING WEEK.**

Mayor Knight presented a Proclamation to Mr. Robert Gotthard, District Staff Officer –Navigation Services for the United States Coast Guard Auxiliary, proclaiming May 22-28, 2010 as National Safe Boating Week.

Mr. Gotthard thanked the Mayor and Council for the Proclamation and explained that the United States Coast Guard Auxiliary was strictly volunteers and was a part of the U.S. Department of Homeland Security.

3. **CONSIDER AND ACT ON APPROVING THE MINUTES OF MAY 3, 2010.**

Mayor Pro Tem Attaway made a motion to approve the minutes of May 3, 2010 with corrections. Council Member Mayer seconded the motion and the motion carried unanimously.

4. **CANVASS RETURNS FOR MAY 8, 2010 GENERAL ELECTION AND SPECIAL ELECTION.**

Mayor Knight announced the unofficial votes for the May 8, 2010 General and Special Election.

Mayor Knight stated there were 527 voters. He stated for Council Member Place 2 - Ross McElwee received 137 early votes and 128 election day votes giving him a total of 265 votes and Karen Mayer received 159 early votes and 69 election day votes giving her a total of 228 votes. He stated for Council Member Place 4 - Vickie Abrego received 196 early votes and 109 election votes giving her a total of 305 votes and Jason Gilden received 125 early votes and 92 election day votes giving him a total of 217 votes.

Mayor Knight stated for the Special Election Article III, Municipal Judge, Section 15(b), - of the Charter of Aransas Pass, shall be amended to read as follows: “The Judge of said court shall be

Mayor Knight stated the Charter Amendment passed with 339 votes for and 131 votes against the amendment.

Mayor Pro Tem Attaway made a motion to approve Resolution 2010-633 – order declaring results of the City Officer's election. Council Member Mayer seconded the motion and the motion carried unanimously.

Council Member Mayer made a motion to approve Resolution 2010-634 – order declaring results of the Charter Amendment election. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

Mayor Knight stated due to a death in the family, Mr. Ross McElwee will take his oath and be sworn in at the June 7, 2010 council meeting.

City Attorney Allen Lawrence gave the Oath of Office and swore in Council Member Place 4, Vickie Abrego.

Mayor Knight presented Council Member Place 4, Vickie Abrego with her Certificate of Election and Seated her in her Place.

Mayor Pro Tem Attaway made a motion to nominate Council Member Vickie Abrego for Mayor Pro Tem for the ensuing year. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Pro Tem Abrego thanked the Council for the honor of appointing her as Mayor Pro Tem.

Mr. Dave Sullivan of Naismith Engineering presented a City of Aransas Pass-TxGLO contract and environmental remediation cost summary:

IBS Site (Conn Brown Harbor)- Corrective action plan cost=\$67,930.00
Cost of clean-up=\$321,342.00

Coastline Resources (Conn Brown Harbor)- Remedial action plan=\$60,000.00
Cost of clean-up=\$155,000.00 to 400,000.00

LWR Site (near ICW RV Park)- Remedial action plan=\$115,000.00
Cost of clean-up=\$965,000.00 to 4.1 million

CITY EQUIPMENT STORAGE AREA

ICW-RV Park- Remedial action plan (phase 2)- \$20,115.00
Cost of clean-up (unknown pending Phase 2)

Trade Tract(near Garrett Yard)- Remedial action plan (Phase 2)=\$15,000.00
Cost of clean-up (unknown pending Phase 2)

TOTAL CITY COST OF COMPLETING ALL STUDIES =	\$278,045.00
COMPLETING CLEAN-UP AT JBS SITE	<u>= \$321,342.00</u>
	SUBTOTAL = \$599,387.00
LESS JBS STUDY (cost already incurred)	<u>= \$531,457.00</u>
10% CONTINGENCY	= \$ 53,000.00
TOTAL	<u>= \$584,457.00</u>

CONN BROWN HARBOR IMPROVEMENTS, BOATING INFRASTRUCTURE GRANT (BIG) AND BOATING ACCESS GRANT (BAG)

Boating Infrastructure Grant= Awaiting contract from TPWD
Total Grant Amount \$951,000.00. City's share (25%) \$237,750.00

Boating Access Grant= Awaiting USACE Permit amendment prior to contract
City is funding permit cost of \$6,000.00 (will be reimbursed by grant)
Total grant amount= \$267,750.00. City's share is \$66,977.50. An additional \$25,000.00 of City share will be necessary for permitting and engineering, and mitigation construction cost due to relocation of the boat ramp and resulting seagrass mitigation.

TOTAL CITY SHARE (both BIG and BAG)	= \$304,727.00
ADDITIONAL BAG WETLANDS RELATED COST	= \$ 25,000.00
	TOTAL = \$329,727.00
SUM TOTAL (BIG and BAG) AND REMEDIATION	<u>= \$914,184.00</u>

12. **PRESENTATION BY MARK MCLINEY OF SOUTHWEST SECURITIES ON FUNDING PROPOSED GRANTS AND ENVIRONMENTAL STUDIES.**

Mr. Mark McLiney of Southwest Securities presented a proposal on funding Naismith's proposed grants and environmental studies. He stated the proposal is based on \$1,000,000.00 Tax Notes, Series 2010 at 4% (possibly 3%) and would like to set it up on a short term loan. Mr. McLiney stated if the City agreed to a million dollar loan, the loan would increase the City's total debt service by \$47,000.00. He stated if the Council approved this loan, by the next council meeting, June 7, 2010, Southwest Securities could sell the obligations and have the money available by July 7th. He stated to authorize the selling of the obligations, Southwest Securities would need to compose an offering document and the City would need to issue an Ordinance for the selling of the obligations.

13. **CONSIDER AND ACT ON APPROVING A LEASE PROPOSAL FROM SAU NGUYEN OF CAPTAIN CADY'S BAIT HOUSE LOCATED AT 106 HUFF STREET IN CONN BROWN HARBOR.**

It was the consensus of the Council to pass on Agenda Item #13.

15. **CONSIDER AND ACT ON APPROVING THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT'S FY 2010-2011 BUDGET PRESENTED BY PRESIDENT EARL BUCKMASTER.**

President Earl Buckmaster presented the Aransas Pass Crime Control and Prevention District's FY 2010-2011 budget. He stated, with sales tax revenues fluctuating, the Board was very conservative and estimated \$400,000.00 in revenues for 2010-2011.

Council Member Attaway made a motion to approve the Aransas Pass Crime Control and Prevention District's FY 2010-2011 budget presented by President Earl Buckmaster. Council Member Hyatt seconded the motion and the motion carried unanimously.

16. **CONSIDER AND ACT ON APPOINTING A CITY COUNCIL MEMBER TO THE MEMORIAL COMMISSION.**

Mayor Knight appointed Council Member Hyatt to the Memorial Commission.

Council Member Attaway made a motion to approve the appointment of Council Member Hyatt to the Memorial Commission. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

17. **CONSIDER AND ACT ON SETTING A DATE FOR A WORKSHOP/PRESENTATIO ON CONN BROWN HARBOR DEVELOPMENT BY BERNT KUHLMANN.**

Mayor Pro Tem Abrego stated the Council should give Mr. Kuhlmann a chance to give his presentation on the Conn Brown Harbor development.

It was the consensus of the Council to wait on setting a date for Mr. Kuhlmann's presentation until Ross McElwee was seated in his place.

18. **REVIEW AND DISCUSS BUDGET REPORTS.**

City Manager Winters stated sales tax revenues for the month of March 2010 was up but for the year sales tax revenues were down 6%. He stated all departments were staying within their budget range and spending was down.

7. **PRESENTATION OF RESOLUTION 2010-635 FOR APPRECIATION TO OUTGOING COUNCIL MEMBER KAREN MAYER.**

Mayor Knight read Resolution 2010-635 thanking Council Member Karen Mayer for her service to the City as Council Member Place 2.

Council Member Mayer graciously accepted the Resolution and thanked the Council and citizens for their continued support. Council Member Mayer stated after forty years of service, she will always

have a place in her heart for the City of Aransas Pass.

19. **CITIZENS COMMENTS.**

There were none.

20. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:44 P.M.

SECTION 551.071 CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

21. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Open Session at 8:04 P.M.

SECTION 551.071 CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

No action taken.

22. **ADJOURNMENT OF MEETING.**

Council Member Attaway made a motion to adjourn the meeting. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:05 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary